

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY

**FILED**

APR 20 2004

Division of Law - 5<sup>th</sup> Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

**Division of Consumer Affairs**

By: Carol G. Jacobson  
Deputy Attorney General  
973- 648-3453

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

**IN THE MATTER OF AN INVESTIGATION :  
BY THE NEW JERSEY DIVISION OF :  
CONSUMER AFFAIRS :**

Administrative Action

of

**Muller Chevrolet, Isuzu, Inc.**

aka

**EZ Buy Auto Sales**

aka

**Good Day Chevrolet, Oldsmobile, Isuzu, Inc.**

**CONSENT ORDER**

163 Route 173  
Stewartsville, NJ 08886

This matter was opened by the State of New Jersey Division of Consumer Affairs, Office of Consumer Protection (hereinafter referred to as "Consumer Affairs" or "Division"), as an investigation in order to ascertain whether violations of the Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., (hereinafter referred to as "CFA" or the "Act"), the administrative regulations governing the practices of motor vehicle sales in the State of New Jersey, N.J.A.C. 13:45A-26B.1 et seq. (hereinafter referred to as the "Automotive Sales Regulations"), and the administrative regulations

governing the practices of motor vehicle advertising in the State of New Jersey, N.J.A.C. 13:45A-26A.1 et seq. (hereinafter referred to as "Automotive Advertising Regulations"), have been committed by Muller Chevrolet Isuzu, Inc. doing business as EZ Buy Auto Sales and/or Good Day Chevrolet Oldsmobile, Isuzu, Inc. (hereinafter collectively referred to as "Respondent"), and it appearing that the parties have reached an amicable agreement thereby resolving the issues in controversy and concluding this matter without the need for further action and Respondent having voluntarily cooperated with the Division's investigation and consented to the entry of the within order without having admitted any violation of law or finding of fact, and for good cause shown,

IT IS on this 20<sup>th</sup> day of April, 2004,

ORDERED AND AGREED as follows:

**BUSINESS PRACTICES**

1. Respondent, its officers, directors, agents, representatives, employees, successors and assigns shall not engage in any unfair or deceptive acts or practices in the conduct of their business in the State of New Jersey and shall comply with such laws, rules and regulations as now constituted or as may be hereafter amended, including, but not limited to, the CFA, the Automotive Sales Regulations, and the Automotive Advertising Regulations.

2. Respondent, its officers, directors, agents, representatives, employees, successors and assigns shall cease and desist from engaging in the following:

(a) Failing to honor the advertised sticker price for a vehicle offered for sale pursuant to 13:45A-26A.4 of the Motor Vehicle Advertising Regulations.

(b) Setting forth an advertised price which fails to disclose, adjacent to the advertised price,



that it has been calculated by deducting a manufacturer's rebate or dealer discount pursuant to N.J.A.C. 13:45A-26A7(a)3 of the Motor Vehicle Advertising Regulations.

(c) Failing to state all disclaimers, qualifiers, or limitations that in fact, limit, condition, or negate a purported offer as per N.J.A.C. 13:45A-26A.7(a)4.

(d) Using terms such as "Authorized Sale", "Authorized Distribution Center", "Factory Outlet", "Factory Authorized Sale", or other terms which imply that the advertiser has an exclusive relationship with the manufacturer pursuant to N.J.A.C. 13:45A-26A.7(a)9.

(e) Use of terms "guaranteed discount", "guaranteed lowest prices" or other terms of similar import unless the advertiser clearly and conspicuously discloses the manner in which the guarantee will be performed and conspicuously discloses the manner in which the guarantee will be performed pursuant to N.J.A.C. 13:45A-26A.7(a)11.

3. Specifically, Respondent, its officers, directors, agents, representatives, employees, successors and assigns shall comply with the following business practices:

(a) In any advertisement which offers a new motor vehicle for sale at an advertised price, the "cost of the consumer statement" must be set forth in at least 10 point type as per N.J.A.C. 13:45A-26A.5 (a)2.

#### **EXISTING CONSUMER COMPLAINTS**

4. Respondent shall pay restitution, pursuant to N.J.S.A. 8-15, totaling \$3,303.00 to the consumer listed on Schedule A attached hereto, and made a part hereof, within ten (10) days of the signing of this Consent Order. Restitution payment shall be made individually to the consumer identified in Schedule A by certified check, attorney's trust check, or money order. A copy of the payment to the consumer shall simultaneously be sent to:

New Jersey Division of Consumer Affairs

Office of Consumer Protection  
P.O. Box 45025  
Newark, New Jersey 07101  
Attention: Investigator Brian Miloscia.

**PAYMENT TO THE STATE**

5. Respondent shall pay the Division of Consumer Affairs the sum of \$4,000.00 as a civil penalty pursuant to N.J.S.A. 56:8-13 and \$884.44 as reimbursement for the Division's costs pursuant to N.J.S.A. 56:8-11. The afore stated amounts, totaling \$4,884.44, shall be submitted together with this Consent Order fully executed by Respondent.

6. Each of the afore stated payments for penalties and costs shall be made by certified check, attorney trust check, or other guaranteed funds made payable to "New Jersey Division of Consumer Affairs" and shall be delivered to the following address:

Attention: Case Management Tracking  
New Jersey Department of Law and Public Safety  
New Jersey Division of Consumer Affairs  
124 Halsey Street  
P.O. Box 45025  
Newark, NJ 07101

7. Failure by Respondent to make any the payments required in the time prescribed by this Consent Order shall constitute a breach of this Consent Order. In the event of such breach, the Division may seek a Superior Court Order compelling compliance and seeking additional penalties and costs or take whatever additional action it deems necessary an appropriate under the circumstances.

8. If, after the signing of this Consent Order, Respondent engages in any acts or practices which constitute a violation of the Consumer Fraud Act, the Automotive Sales Regulations, the Automotive Advertising Regulations or this Consent Order, Respondent will be subject to the



imposition of enhanced penalties pursuant to N.J.S.A. 56:8-13 or N.J.S.A. 56:8-18, without prejudice to the Respondent's right to present evidence in mitigation and affirmative defense.

### **GENERAL PROVISIONS**

9. This Consent Order does not constitute an admission by Respondent that any of its acts and/or practices are unfair or deceptive or violate any of the consumer protection laws of New Jersey.

10. Nothing contained in this Consent Order shall be construed to limit or affect the rights of any persons or entities who are not parties to this Consent Order with respect to any of the matters contained herein.

11. Nothing contained herein shall in any manner or fashion be construed to limit or affect any position that the parties may take in any future or pending action not specifically encompassed within.

12. This Consent Order resolves all claims and causes of action against respondent for violations of the CFA and the regulations promulgated pursuant thereto, which were known by the Division's Office of Consumer Protection through March 1, 2004.

13. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and that this person has done so with authority to legally bind the representative parties.

14. This Consent Order constitutes the entire agreement between the parties hereto and shall bind the parties hereto and their representatives, officers, directors, agents, employees, successors and assigns.


15. Respondent shall not represent or imply that any advertising procedure or other act or practice hereinafter used or engaged in by Respondent has been required or approved, in whole or

in part, by the Attorney General or the Division of Consumer Affairs or any other State's agencies or agents.

16. The parties acknowledge that for the purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions herein.

17. This Consent Order constitutes a final agency action and shall be effective upon filing.

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY

BY:   
Reni Erdos, Director New Jersey  
Division of Consumer Affairs

DATED: 4/20/04

The undersigned has read this Consent Order, understands it and agrees to be bound by its terms.

Consent is hereby given as to the form and entry of this Consent Order.

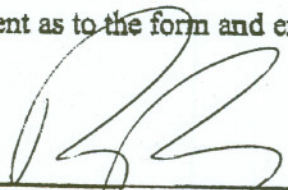
Muller Chevrolet, Isuzu, Inc.  
aka  
EZ Buy Auto Sales  
aka  
Good Day Chevrolet, Oldsmobile Isuzu, Inc.

BY: 

DATED: 4/10/04

TITLE: V. Pittenger

Consent as to the form and entry of this Consent Order

  
Perry A. Pittenger  
Attorney for Respondent

DATED: 4/13/04